

March 17, 2003

Mattie C. Condray, Senior Assistant General Counsel
Office of Legal Affairs
Legal Services Corporation
750 First Street, NE
Washington, DC 20002-4250

Dear Ms. Condray:

In response to the request for public comment, the National Association of Judiciary Interpreters and Translators welcomes the opportunity to submit our views on a recommended course of action for the Legal Services Corporation to take regarding Limited English Proficiency guidance or regulations. We would like to thank you for seeking public opinion on this important subject. NAJIT, the leading association in its field, has over 1,000 members who work daily to bridge the language gap in schools, hospitals, jails, offices and courthouses across the country. Our members are in a unique position to see how often essential communication is garbled, overlooked, misdirected or lost in the shuffle.

We believe that LSC ought to take action on this issue, along the lines of Title VI and perhaps more specifically geared to the different minority communities with which LSC grantees work. In this way, LSC will be taking an important step to help ensure that LSC grantees are providing proper benefits and services to persons with limited English proficiency. We further recommend that LSC pay particular attention to the question of interpreter competence. In order to ensure that no clients suffer from national origin discrimination, LSC would do well to encourage their grantees to turn first to *tested* and *trained* interpreters or translators.

Nothing undermines effective legal representation as much as misunderstanding. Bilingual persons pressed into service for various language functions often do not have the requisite skills to be accurate communicators. They frequently feel imposed upon when required to do a job for which they are unprepared. Unfortunately, it is commonly assumed that bilingual personnel have full proficiency in both languages as well as “inherent” interpretation and translation skills. Both experience and formal studies have revealed the fallacy of this assumption. Qualified interpreters are made, not born. As with any profession, language service providers need to devote time and effort to training and practice.

NAJIT stands for the proposition that tested and trained professionals are the best insurance policy against miscommunication. Those serving as interpreters or translators for persons or organizations offering legal services to LEP communities should meet appropriate standards. The expense of ensuring a sufficiently high standard of service when dealing with LEP clients should be understood and budgeted for as a necessary cost of doing business in the legal arena.

We hope that our comments are useful to you in deciding how to assist your grantees on LEP policy. NAJIT stands ready and willing to cooperate with LSC. We would be glad to offer further comments on any guidelines or regulations you develop, and to provide LSC with educational “best practices” material.

We also invite LSC representatives to attend NAJIT conferences in order to exchange ideas and resources. Our forthcoming Annual Conference, to be held over the Memorial Day weekend, from May 23-25, 2003, in Nashville Tennessee, will include a session on the issue of Title VI regulations and the LEP population, as well as an opportunity for our members to provide feedback on key issues pertaining to this and other questions of the day. Should the LSC wish to send someone to our conference, details may be found at our website, www.najit.org. We welcome your participation.

Sincerely,
Title VI Committee
Janet Bonet
Nancy Festinger, Chair
Isabel Framer
Sandro Tomasi